

PUBLIC CHAPTER NO. 1204

HOUSE BILL NO. 2595

By Representative Coleman

Substituted for: Senate Bill No. 3231

By Senators Woodson, Marrero

AN ACT to amend Tennessee Code Annotated, Title 34, Chapter 1, Part 1, relative to guardianships and conservatorships.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:


SECTION 1. Tennessee Code Annotated, Section 34-1-104, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) If the total property of a minor or disabled person does not exceed the sum of twenty thousand dollars (\$20,000) and the court determines it is in the best interest of the minor or disabled person, the court may order any person holding property belonging to the minor or disabled person to deliver all or any part of the money or property, without the necessity of the appointment of a fiduciary, to the natural guardian or guardians of the minor or to the person with whom the minor or disabled person resides or to the disabled person. The receipt by any of these persons for the money or property discharges the paying entity from further liability. To bring the matter before the court, any person may petition the court for an order of distribution. The petition shall set forth the information required by § 34-2-104 and § 34-3-104, except the petition shall request distribution according to this section instead of the appointment of a fiduciary. The court may appoint a guardian ad litem to assist it in determining the best interest of the minor or disabled person.

(c) In any judicial proceeding in which any fund or part thereof is decreed to belong to a minor or disabled person, or in which there is a recovery in favor of a minor or disabled person, the court trying the case may retain the fund or recovery or part of the fund or recovery to be disbursed by the clerk and master or clerk of the court for the support, maintenance or education of the minor or disabled person under the orders of the court; provided, that the fund or part of the fund or the amount of the recovery does not exceed the sum of twenty thousand dollars (\$20,000) and the minor is without a legal guardian; and provided further, that the court, in its discretion, may direct the fund to be paid to the natural guardian of the minor or the other person having the care and custody of the minor or disabled person to be applied for the purposes stated above, subject to such terms and conditions as the court may impose.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: May 15, 2008


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 28th day of June 2008


PHIL BREDESEN, GOVERNOR